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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3058**  
Horst Georg ZERBE et al. : Attorney Docket No. 2004-0189  
Serial No. 10/771,388 : Group Art Unit 1614  
Filed February 5, 2004 : Examiner Lezah W. Roberts

WATER SOLUBLE FILM FOR ORAL  
ADMINISTRATION  
WITH INSTANT WETTABILITY

: **Mail Stop Amendment**

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**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of April 6, 2006, constituting a requirement for restriction among (I) claims 10-40, (II) claims 41-44, and (III) claims 45-51, Applicants hereby elect, with traverse, the subject matter of Group I, i.e. claims 10-40.

The restriction requirement is traversed on the grounds set forth below.

Thus, with respect to Groups I and II, the Examiner has argued that the products of invention I could be manufactured by first dissolving the active agent and then adding the polymer (i.e. by changing the order of process steps (a) and (b) in independent claim 41 of Group II). However, such a modification would not be considered as a "materially different process" as required by MPEP 806.05(f).

Likewise, with respect to Groups I and III, the Examiner has argued that the films or compositions of the claims of Group I could be applied to the skin where it penetrates the skin to enter the body. However, in the claims of Group I, the films or compositions are characterized as being mucoadhesive (i.e. adhering to mucous membranes) rather than skin-adhesive. Therefore,

the Examiner's suggestion that these films or compositions may be applied to the skin is unfounded.

For these reasons, Applicants respectfully submit that the requirement for restriction should be withdrawn.

The Office Action also constitutes a requirement for election of species, in response to which, referring to species 1) and 2) on page 5 of the Office Action, Applicants elect active agents used for oral cleansing as species 1), and also elect a mixture of polyoxyethylene sorbitan fatty acid ester and polyoxyethylene alkyl ether as species 2). All of elected claims 10-40 read on these species.

Respectfully submitted,

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